

**AN ORDINANCE**

**02-0-1534**

**BY CITY UTILITIES COMMITTEE**

**AUTHORIZING THE NEGOTIATIONS AND ACQUISITION OF PROPERTY AND THE USE OF CONDEMNATION PROCEEDING IF NECESSARY TO ACQUIRE PROPERTY LOCATED AT 2631 CASCADE ROAD, IN LAND LOT 201 OF 14<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA, SUBDIVISION LOT 43 BLOCK "A" SPRING PARK PHASE II IN CONNECTION WITH THE NEW CASCADE ROAD SEWAGE PUMPING STATION REQUIRED BY THE EPA/EPD SSO CONSENT ORDER.**

**WHEREAS**, the City of Atlanta, Department of Public Works, has identified in connection with construction of improvements to Cascade Road Pumping Station the need to acquire certain property; and

**WHEREAS**, the identified property is located at 2631 Cascade Road, Land Lot 201 of the 14<sup>th</sup> District, Subdivision Lot 43, Block "A" Spring Park Phase II as recorded in Plat Book 163, Page 124, Fulton County Records, Fulton County; and

**WHEREAS**, the Department of Public Works seeks to provide a new sewage pumping station on property for compliance with EPA/EPD SSO Consent Order; and

**WHEREAS**, the Department of Public Works seeks to acquire three (3) easements and a fee simple land purchase on property to complete construction of the required sewage pumping station; and

**WHEREAS**, there will be a cost associated with the acquisition of the needed real estate and improvements.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**SECTION 1:** That the Purchasing Agent in cooperation with Smith Real Estate Services, Inc. (Consultant), is hereby authorized to negotiate with affected property owners and to acquire the necessary real property interest located at 2631 Cascade Road, needed to complete construction of the new Cascade Road Sewage Pumping Station.

**SECTION 2:** That the Purchasing Agent is hereby authorized to obtain land surveys, legal descriptions, title reports, appraisal reports, environmental reports and to establish estimates of just compensation based thereon to be offered property owners in connection with the project.

**SECTION 3:** That the requirements of City Code Section 2-1541 (d) of the Procurement and Real Estate Code are waived to allow the purchase of property on behalf of the City without further authorization of City Council.

**SECTION 4:** That the City's Consultant is authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The Purchasing Agent is authorized to administratively settle, with appropriate substantiating documentation, e.g. appraisal report, without further authorization of City Council, those acquisitions which exceed the limitations which the City's Consultant cannot otherwise acquire. However, in no event shall the Purchasing Agent's authority to administratively negotiate or settle such acquisitions without Council authorization exceed 20% above the estimated just compensations of affected property.

**SECTION 5:** That if negotiations with the affected property owners fail, the City Attorney is authorized to use all means necessary and within her/his power, up to and including Condemnation to acquire the necessary real property interests; and , the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle Condemnation proceedings and pay for such services without further authorization from City Council.

**SECTION 6:** That the City Attorney, or her/his designee, if necessary, is hereby authorized to institute condemnation proceedings pursuant to the appropriate method allowed by applicable law.

**SECTION 7:** That the City Attorney, or her/his designee, is hereby authorized to monitor and supervise the closing transactions, performed by Consultant, with affected property owners in the Cascade Road Sewage Pumping Station Project.

**SECTION 8:** That the cost associated with the acquisition of the property shall be paid from Fund Account Number 2J26 571001 M57I15019999 AND 2J26 572001 M57I15019999.

**SECTION 9:** That all ordinances and parts of ordinances in conflict herewith are hereby rescinded.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

OCT 07, 2002  
OCT 15, 2002

RCS# 4099  
10/07/02  
5:15 PM

Atlanta City Council

Regular Session

CONSENT I                    0613;1695;1544;1562;1581;1666;1551  
                              1668; Except CDHR #6-#10  
                              RECON/READOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

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**10/07/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT  
AGENDA**

- |               |               |
|---------------|---------------|
| 1. 02-O-1538  | 46. 02-R-1702 |
| 2. 02-O-1549  | 47. 02-R-1703 |
| 3. 02-O-1554  | 48. 02-R-1704 |
| 4. 02-O-1466  | 49. 02-R-1705 |
| 5. 02-O-1253  | 50. 02-R-1706 |
| 6. 02-O-1575  | 51. 02-R-1707 |
| 7. 02-O-1576  | 52. 02-R-1708 |
| 8. 02-O-1582  |               |
| 9. 02-O-1447  |               |
| 10. 02-O-1545 |               |
| 11. 02-O-1261 |               |
| 12. 02-O-1534 |               |
| 13. 02-R-1662 |               |
| 14. 02-R-1669 |               |
| 15. 02-R-1709 |               |
| 16. 02-R-1711 |               |
| 17. 02-R-1712 |               |
| 18. 02-R-1713 |               |
| 19. 02-R-1633 |               |
| 20. 02-R-1664 |               |
| 21. 02-R-1667 |               |
| 22. 02-R-1673 |               |
| 23. 02-R-1469 |               |
| 24. 02-R-1642 |               |
| 25. 02-R-1644 |               |
| 26. 02-R-1649 |               |
| 27. 02-R-1714 |               |
| 28. 02-R-1727 |               |
| 29. 02-R-1650 |               |
| 30. 02-R-1651 |               |
| 31. 02-R-1652 |               |
| 32. 02-R-1653 |               |
| 33. 02-R-1654 |               |
| 34. 02-R-1655 |               |
| 35. 02-R-1656 |               |
| 36. 02-R-1657 |               |
| 37. 02-R-1658 |               |
| 38. 02-R-1659 |               |
| 39. 02-R-1660 |               |
| 40. 02-R-1718 |               |
| 41. 02-R-1719 |               |
| 42. 02-R-1698 |               |
| 43. 02-R-1699 |               |
| 44. 02-R-1700 |               |
| 45. 02-R-1701 |               |

**ITEMS ADVERSED  
ON CONSENT AGENDA**

- |               |
|---------------|
| 53. 02-R-1675 |
| 54. 02-R-1676 |
| 55. 02-R-1677 |
| 56. 02-R-1678 |
| 57. 02-R-1679 |
| 58. 02-R-1680 |
| 59. 02-R-1681 |
| 60. 02-R-1682 |
| 61. 02-R-1683 |
| 62. 02-R-1684 |
| 63. 02-R-1685 |
| 64. 02-R-1686 |
| 65. 02-R-1687 |
| 66. 02-R-1688 |
| 67. 02-R-1689 |
| 68. 02-R-1690 |
| 69. 02-R-1691 |
| 70. 02-R-1692 |
| 71. 02-R-1693 |
| 72. 02-R-1694 |
| 73. 02-R-1696 |
| 74. 02-R-1697 |

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Consent I Vote: 10Yeas; 0 Nays (See RCS #4099; Reconsidered See RCS #4043)

Items Removed from Consent: 02-R-1613; 02-R-1695; 02-O-1544; 02-O-1562; 02-O-1581; 02-R-1666;  
02-O-1551; 02-R-1668; 02-O-1598; 02-O-1599; 02-O-1600; 02-O-1601; 02-O-1602

02-01534  
(Do Not Write Above This Line)

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

AUTHORIZING THE  
NEGOTIATIONS AND  
ACQUISITION OF PROPERTY AND  
THE USE OF CONDEMNATION  
PROCEEDING IF NECESSARY TO  
ACQUIRE PROPERTY LOCATED AT  
2631 CASCADE ROAD, IN LAND  
LOT 201 OF 14<sup>TH</sup> DISTRICT,  
FULTON COUNTY, GEORGIA,  
SUBDIVISION LOT 43 BLOCK "A"  
SPRING PARK PHASE II IN  
CONNECTION WITH THE NEW  
CASCADE ROAD SEWAGE  
PUMPING STATION REQUIRED BY  
THE EPA/EPD SSO CONSENT  
ORDER.

- ☒ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred 9/16/02  
Referred To: City Utilities  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading  
Committee Date 9/16/02  
Chair  
Referred To

Committee Date 9/16/02  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

Committee Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

Committee Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
ADOPTED BY  
CITY OF 2002  
COUNCIL  
Refer To

Committee Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other  
Members  
Refer To

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED  
OCT 07 2002

RECEIVED  
OCT 07 2002  
MUNICIPAL CLERK

MAYOR'S ACTION  
MAYOR  
OCT 15 2002